

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

October 16, 2001

5:30 PM

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Pariseau, Thibault (late), Hirschmann, O'Neil

Messrs: M. Tomaszewski, F. Rusczek, D. Prew

Chairman Gatsas stated I suggested to the Clerk that we take these non-public session items and move them to the end of the agenda so that we can go through the agenda and have the room cleared.

On motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to move Item 3 to the end of the agenda.

Chairman Gatsas addressed Item 5 of the agenda:

Communication from Ronald Ludwig, Director of Parks & Recreation, in response to a complaint about a concert at Veteran's Park that was referred to the City Clerk, City Solicitor, Police Chief and Parks & Recreation Director for report back to the Committee.

Alderman Pariseau moved to receive and file.

Alderman O'Neil asked are we consistent with how we treat concerts at Singer Park with how we treat concerts in other parts of the City after what we have been through all summer at Singer Park with regards to noise level and all of that.

Deputy Clerk Normand answered this amendment goes towards what we were trying to do with the concerts. I know that the Solicitor's Office had an issue with part of that Item 8 where it talks about basically scrutinizing the language that is used. I think that Tom Clark told me today that he would like to have that stricken from the amendment but the rest of it would be fine. If you look at number 8 it talks about the department reserving the right to restrict noise levels, time frames and language. The Solicitor's Office would like to take that out.

Alderman Pariseau asked that sentence.

Deputy Clerk Normand answered well you can put a period after time frames and strike the rest as far as “and language related to such entertainment.”

Alderman O’Neil stated my question is are we using decibel levels and that equivalent to what we are doing at Singer Park.

Deputy Clerk Normand replied no but I think that is what part of this is. This is the first time this has been put forth by Parks & Recreation and I think there is a staff meeting that is supposed to take place to discuss noise levels.

Alderman O’Neil responded because it just doesn’t make any sense to me that we would have different standards with different parks. I think it needs to be the same policy.

Alderman Pariseau stated they don’t have any jurisdiction over Singer Park.

Alderman O’Neil replied but the City itself should have the same policy no matter where a concert takes place across the City. We should have the same standards for noise levels I think whether it is at Singer Park or Lake Massabesic.

Chairman Gatsas asked did I understand you right, Matt, that the Commission is meeting to set-up some standards.

Deputy Clerk Normand answered originally this was supposed to go to a staff committee and they are listed on the agenda. That hasn’t taken place. I can also tell you that there really is no policy. The policy that we put in place...

Alderman Pariseau withdrew his motion and moved to table this item. Alderman O’Neil duly seconded the motion.

Alderman O’Neil stated again I think the standards should be similar no matter what municipal facility it is. If somebody wants to have a concert at Gill Stadium it should be the same standard.

Chairman Gatsas replied I agree and I think it may be time that this Committee starts looking at getting some procedures down for next year’s concerts before we get to a time that is in the middle of it. Maybe we should start looking at that now or very soon.

Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 6 of the agenda:

Communication from Mark Tomaszewski regarding owning and operating a tattoo parlor in Manchester.

Alderman Pariseau moved to receive and file this item stating that it is not in the best interest of the City to bring in tattoo parlors.

Mr. Mark Tomaszewski stated I live at 52 Mack Avenue in Ward 9. Right now you have a body piercing shop in Manchester and they are basically the same health thing as a tattoo shop. They will have to go under the State code. You can catch the same illnesses as you would at a tattoo parlor if it is not clean.

Chairman Gatsas asked, Matt, is there anything for a body piercing shop.

Deputy Clerk Normand answered no there isn't. There is an ordinance that prohibits tattoos.

Chairman Gatsas asked nothing about body piercing.

Deputy Clerk Normand answered no there is not.

Mr. Tomaszewski stated I would have to be a medical doctor to perform a tattoo in Manchester right now.

Chairman Gatsas stated I believe at the State level that we have some rules right now for body piercing. There is a set of rules.

Alderman O'Neil asked, Sir, is there any State licensing required.

Mr. Tomaszewski answered yes. Right now I am training under a tattoo parlor called "Tattoos by Kodiak" in Claremont, NH. I have to be licensed by them. They have to be licensed by the State. I have to work under them for a full year before I am able to receive my license and I am about to receive it at the end of October.

Alderman O'Neil asked what State agency is responsible for that.

Mr. Tomaszewski answered Health and Human Services.

Alderman O'Neil asked do you know if you have to be licensed to do body piercing in the State right now.

Mr. Tomaszewski answered right now I believe no but eventually they will from what I heard. I am not into body piercing issues.

Alderman Lopez stated throughout the State...you mentioned Claremont, NH. Do you have statistical data throughout the State? Have you checked into the State?

Mr. Tomaszewski asked do you mean tattoo parlors in the State. Yes. There is one in Londonderry that has opened up just right over the border. I can open one in Hooksett but the reason I want Manchester is because I live in Manchester and I want to contribute back to Manchester. It is like I could open up a parlor anywhere else...

Alderman Lopez interjected what is the danger of a tattoo parlor in your point.

Mr. Tomaszewski replied you could catch Hepatitis C through the blood and Herpes and things like that. I have to take a physical every year by a doctor to get my license renewed. There are codes. The State has a bunch of codes for health and the tattoo parlors are inspected every year.

Alderman Lopez stated I noticed after 9/11/01 everybody ran to tattoo parlors and got flags on them throughout the country. Maybe we should hear from the Health Department.

Mr. Rusczyk stated thank you for affording me the opportunity to speak on this. Long before my time the Board of Health and the Board of Aldermen enacted an ordinance that allows only a licensed physician to apply tattoos and I believe this goes back to at least the 1950's and this was based on the concern about the spread of blood born pathogens like Hepatitis B and Hepatitis C. For many years we have relied upon that ordinance to kind of control and regulate tattoo parlors in Manchester. The State has enacted regulations. We have chosen to stick with what we have because in really looking at the licensing requirements and the training for people who are piercing the skin as part of the tattooing process we didn't feel that the local Health Department could really guarantee the protection and assurance that there would be no spread of a blood borne pathogen through a tattoo parlor. Keep in mind that we live in a world where if we are in the Health Department and we are going to pierce the skin you need to be a registered nurse or a licensed practical nurse or some other specification. We never developed any comfort to change from what we have had for many years. It is true that there is a new fad or a new cosmetic adornment in the way of body piercing that is growing across the country. We have looked at that as well. Some communities have desired to license them and regulate them. We felt that by licensing and regulating them we were giving them a stamp of approval that we couldn't stand behind. There are certainly many cases of infection relating to body piercing and some

other piercing that occurs while on the training side and on the certification side it is not as rigorous as you would find with others that pierce the body. We have decided that the Health Department role, and this has been discussed at the Board of Health level a few times, when it comes to body piercing that we would do our best to educate through our school nurses and elsewhere about the dangers of body piercing rather than try to say that we can safely regulate this business.

Alderman O'Neil asked are there any body piercing shops in Manchester.

Mr. Rusczek answered I am not sure, Alderman. I personally don't know of any but because we don't regulate them, they wouldn't have to come to the Health Department.

Alderman O'Neil asked, Matt, do you know.

Deputy Clerk Normand answered yes there are. I know that there is one right at 195 Elm Street, which is Spider Bite. It is also a tanning salon. It is next to Ron's Toy Shop. They do body piercing currently. There are no regulations. They do have to get a business license but that is it.

Alderman Lopez stated the only thing I can say is that sometimes we continue to look at ordinances that are 20 or 30 years old and I don't personally think that we have enough information here. For example, if there are tattoo parlors throughout the State, how many medical cases have they had and what kind of statistical data is there on the medical aspect of it? Safety factors. Have there been violations of safety factors throughout the State? Somebody must report to somebody if you have to get a license from the State. There must be some type of report when you have to go to the hospital, etc. Sometimes I just think we are very strong on something that maybe, I as a layman, don't know that much about. To make an honest decision and of course the Committee will make a decision on which way they want to go but I as an individual, what is the statistical data? Is there a danger here? How many Hepatitis cases have we had from tattoo parlors? All of these type of questions.

Mr. Rusczek replied certainly across the country there have been outbreaks and cases of Hepatitis C and Hepatitis B related to tattoo parlors. In New Hampshire because a lot of the tattoo parlors are regulated locally and local regulations can pre-empt State involvement, the flow of data isn't as clean as one might expect. Certainly we can ask those questions of the State and get that information back to this Committee as well as getting some of the latest literature on this.

Chairman Gatsas stated I don't think that is quite a true statement because a local jurisdiction can't pre-empt the State on licensing. An individual must be licensed

by the State to open a tattoo parlor even if the City says they don't need to be. Before you can operate a tattoo parlor in this State currently, you must be licensed and I can tell you the testimony that went through that Committee was a pretty rigorous one. The definitions of what they had to follow and criteria they must go through is pretty tough.

Mr. Rusczek replied then I stand corrected on that.

Alderman Thibault asked what kind of a cost are we looking at if, in fact, you had to start looking at this and certify them or whatever you might do. What kind of a cost are we looking at?

Mr. Rusczek answered we never really went into that great a detail in terms of what the cost would be because we really came...when we looked at this issue in the past we never developed the comfort with licensing tattoo parlors.

Alderman Thibault stated I think that we should send our Health Director out to get more facts on this before we make a decision. I would certainly like to know what the cost impact of this is going to be to the City if, in fact, the Health Department has to start regulating these. What kind of cost would there be to it?

Alderman O'Neil stated I follow the same track as Aldermen Lopez and Thibault. I would certainly welcome the opportunity to learn a little more about State licensing or regulations with regards to tattoos and body piercing and maybe it is something that we need to take a look at. If there is a way that the City Clerk's Office could somehow identify how many are out there maybe we do need to have some special licensing. I don't know. I certainly put a lot of faith in our Health Officer. He has done a fabulous job for the City but I have had a tattoo now for more years than I wish to think.

Chairman Gatsas stated let me just tell this Committee that not only do we talk about tattoos and laws and ordinances that were written in the 1950's but right now if somebody wants to open a sushi bar in Manchester they are not allowed. That to me is an absurd ordinance. Raw fish. Am I right, Fred?

Mr. Rusczek replied you are right. That is being looked at and again that was based on the documented cases of anapsychiasis and many other illnesses.

Chairman Gatsas stated I think that follows suit with the tattoos in the 1950's where nobody was really paying attention to whether someone was using ink from a fountain pen to...

Alderman O'Neil replied I don't remember when I got my tattoo many years ago that there was any certification up on the wall or anything. It happened to be in the city of Portsmouth.

Alderman Pariseau stated if we are going to look at it then let's dig out the ordinance identified in the letter as 130.10 because that would have to be amended.

Chairman Gatsas asked how about if we get a motion to table this and take a look at this ordinance.

Alderman O'Neil stated just one other thing. I think Alderman Thibault is right. As part of this discussion moving forward is there going to be, if the Board so chooses, a cost to the Health Department in order to properly insure the safety of the public. I think that needs to enter into our decision as well.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to table this item and have the Deputy City Clerk provide information to the Committee for an ordinance amendment with some back-up information on costs to the Health Department.

Alderman O'Neil asked I would also like information on body piercing as well as tattoos and what the State regulations are. Maybe Fred could do an analysis of it. Fred, would it be Health and Human Services that is the agency responsible for that?

Mr. Rusczek answered yes and we are familiar with the folks who are involved in the process.

Chairman Gatsas addressed Item 7 of the agenda:

Communication from Matthew Normand, Deputy City Clerk, regarding the Godsmack Concert Sound Measurements.

Alderman Pariseau moved to receive and file this item. Alderman Thibault duly seconded the motion.

Alderman O'Neil stated although we heard all of the testimony and made the motions, it was Matt's responsibility to carry out the directions of the Board and I just want to applaud him. He did a great job with regards to the Godsmack concert.

Chairman Gatsas stated I second that comment. Matt, you did a wonderful job.

Chairman Gatsas called for a vote on the motion. There being none opposed, the motion carried.

Chairman Gatsas addressed Item 3 of the agenda:

Appeals of the denial of taxi driver's license applications.

Deputy Clerk Normand stated there is nobody present. If you wish you could entertain a motion to deny because this is the second time these people have failed to show up.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to deny the taxi driver's license applications of Leslie Estes and Edward Shattuck.

TABLED ITEMS

8. Communication from Edward George, President/CEO of the Manchester Community Health Center seeking permission to link to the City's website and using the City's graphic logo.
(Tabled 8/21/01 pending further information from Diane Prew.)

On motion of Alderman Thibault, duly seconded by Alderman O'Neil, it was voted to remove this item from the table.

Alderman Pariseau moved to allow the Manchester Community Health Center to link to the City's website and use the City's logo.

Alderman O'Neil asked, Diane, does this have a potential of getting out of control for you.

Ms. Prew answered no. It doesn't cause us any work at all. We are just providing them the City logo to put on their website. There is no support involved for us.

Alderman O'Neil asked this one or if there are one hundred more.

Ms. Prew replied that is correct.

Alderman Thibault duly seconded the motion.

Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Chairman Gatsas stated Diane while I have you there let me ask you a question. Not to bring up a sore subject but HTE. That was a revenue and budgeting instrument?

Ms. Prew replied yes.

Chairman Gatsas asked and what was the cost to the City when we put it in.

Ms. Prew answered that project cost I believe a little over \$1 million in total. It was not only financials but also utilities, tax collection, etc.

Chairman Gatsas asked are they still in business.

Ms. Prew answered yes they are.

Chairman Gatsas asked can you get me the name of somebody who may want to come up and do a presentation to the State.

Ms. Prew answered yes I can have somebody get in touch with you.

9. Copies of communications addressed to Alderman Levasseur from Attorney Ross, Mitchell Sawaya and Raymond Dugdale relative to parking problems, noise, litter and other nuisances by patrons of the Strange Brew Tavern located at 88 Market Street.
(Tabled 8/21/01 pending the owner and neighbors getting together and reporting back to the Committee.)

This item remained on the table.

There being no further business, on motion of Alderman Pariseau, duly seconded by Alderman Thibault it was voted to adjourn.

A True Record. Attest.

Clerk of Committee